

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
KIMI KANG,

Index No.: 161863/2023

Plaintiff(s),

-and-

LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION, ERIC MESLIN,
SALVATORE STARACE, and FRANCOISE
JACOBSON,

Defendant(s).
-----X

**NOTICE TO CLERK OF REMOVAL OF STATE COURT ACTION TO THE UNITED
STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK**

TO: The Clerk of the Supreme Court of the State of New York, County of New York – via
NYSCEF

TO: Megan Sarah Goddard, Esq.
Goddard Law PLLC
39 Broadway Suite 1540,
New York, NY 10006

PLEASE TAKE NOTICE that Defendants in the above captioned action, originally pending
in the Supreme Court of the State of New York, New York County, Index No.: 161863/2023 did, on
the 18th day of April 2024, file in the District Court of the United States for the Southern District of
New York, its Notice for Removal of said cause to said District Court of the United States for the
Southern District of New York. Pursuant to 28 U.S.C. §1446(d), Defendants attached hereto and marks
as Exhibit A, a true and correct copy of said Notice of Removal.

Dated: Woodbury, New York
April 18, 2024

Respectfully submitted,

COLLERAN, O'HARA & MILLS
Attorney for Defendants

By: 
PATRICIA L. BOLAND

100 Crossways Park Drive, Suite 200
Woodbury, New York 11797
(516) 248-5757

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KIMI KANG,

Civil Action No.:

Plaintiff(s),

-and-

NOTICE OF REMOVAL


LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION, ERIC MESLIN,
SALVATORE STARACE, and FRANCOISE
JACOBSON,

Defendant(s).
-----X

PLEASE TAKE NOTICE, that there is annexed hereto a Petition for Removal of the above-captioned action from the New York State Supreme Court, New York County to the United States District Court, Southern District of New York.

Dated: Woodbury, New York
April 18, 2024

COLLERAN, O'HARA & MILLS
Attorneys for Defendants

By: 
PATRICIA L. BOLAND
100 Crossways Park Drive, Suite 200
Woodbury, New York 11797
(516) 248-5757

TO: Megan Sarah Goddard, Esq.
Goddard Law PLLC
39 Broadway Suite 1540,
New York, NY 10006
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KIMI KANG,

Civil Action No.:

Plaintiff(s),

-and-

**VERIFIED
PETITION
FOR REMOVAL**LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION, ERIC MESLIN,
SALVATORE STARACE, and FRANCOISE
JACOBSON,

Defendant(s).

To the Judges of the United States District Court for the Southern District of New York:

Defendants LOCAL 28 OF THE SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION, ERIC MESLIN, SALVATORE STARACE, and FRANCOISE JACOBSON, by and through its attorneys, COLLERAN, O'HARA & MILLS, LLP, files this Notice of Removal of this Action from the Supreme Court of the State of New York, County of New York to the United States District Court, Southern District of New York pursuant to 28 U.S.C. § 1441(a) as an action over which this Court has federal question jurisdiction under 28 U.S.C. § 1331.

PROCEDURAL BACKGROUND

1. On or about December 6, 2023, an action was commenced by the plaintiffs against the defendants by a Summons with Notice in the Supreme Court of New York, New York County, entitled *Kimi Kang v. Local 28 of the Sheet Metal Workers' International Association, Eric Meslin, Salvatore Starace, and Francoise Jacobson*, Index Number 161863/2023. A copy of the Summons with Notice is attached hereto as Exhibit "A". On

or about March 25, 2024, a Demand for Complaint was filed by the Defendants. A copy of the Demand for Complaint is attached hereto as Exhibit "A". On or about April 8, 2024, a Complaint was filed by the Plaintiff. A copy of the Complaint is attached hereto as Exhibit "A". Upon information and belief, said Exhibit "A" constitutes all pleadings and orders filed to date in said action.

2. In the Verified Complaint, Plaintiff KIMI KANG (the "Plaintiff"), seeks a judgment in the amount of \$2,500,000.00 together with attorney's fees and interest.

3. The time for answering or otherwise pleading to the above-described action has not yet expired.

4. Defendants file this Notice of Removal within 30 days after Defendants received service of the Complaint on April 8, 2024, and this Removal is timely under 28 U.S.C. § 1446(b)(1). See Exhibit "A", NYSCEF Confirmation.

5. Defendant Local 28 of the Sheet Metal Workers' International Association ("Local 28") is apparently being sued as Plaintiff's employer with its principal offices located at 500 Greenwich Street, Suite 502, New York, New York 10013.

6. Defendant Eric Meslin is apparently being sued as President and Business Manager of Local 28 with its principal offices located at 500 Greenwich Street, Suite 502, New York, New York 10013.

7. Defendant Salvatore Starace is apparently being sued as Financial Secretary Treasurer and Recording Secretary of Local 28 with its principal offices located at 500 Greenwich Street, Suite 502, New York, New York 10013.

8. Defendant Françoise Jacobsohn is apparently being sued as Court Compliance Officer of Local 28 with its principal offices located at 500 Greenwich Street, Suite 502, New York, New York 10013.

VENUE

9. The United States District Court for the Southern District of New York is the federal judicial district embracing the Supreme Court of the State of New York, County of New York, where this action was originally filed. Plaintiff also indicated that the basis of venue in New York County was “Defendants are located in New York and /or transacting business in New York, New York, and because the majority of events happened in New York, New York. See Summons at Exhibit “A.”

THIS ACTION IS REMOVABLE ON THE BASIS OF FEDERAL QUESTION JURISDICTION UNDER 28 U.S.C. § 1441(a)

10. This action involves alleged employment discrimination and is one over which this Court has original jurisdiction, under Civil Rights Act, 42 U.S.C. § 1981, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §§1441 et seq.

DEFENDANTS HAVE GIVEN PROPER NOTICE OF REMOVAL

11. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly provide written notice of this removal to the Supreme Court of the State of New York, County of New York and upon Plaintiff. A copy of said Notice to Plaintiff and Notice of Removal provided to the state court is attached hereto as Exhibit “B.”

12. In filing the within Notice of Removal, Defendants do not waive any available defenses or admit any of the allegations made in Plaintiff’s Verified Complaint.


WHEREFORE, for the above reasons, the defendants ask that this action, pending against it in the Supreme Court of New York, New York County, be removed

therefrom to this Court and for such other and further relief as to this Court seems just, equitable and proper.

Dated: Woodbury, New York
April 18, 2024

Respectfully submitted,

COLLERAN, O'HARA & MILLS

By: 
PATRICIA L. BOLAND
Attorneys for Defendants
100 Crossways Park Drive, Suite 200
Woodbury, New York 11797
(516) 248-5757

VERIFICATION OF PETITION FOR REMOVAL

STATE OF NEW YORK)

) ss.:

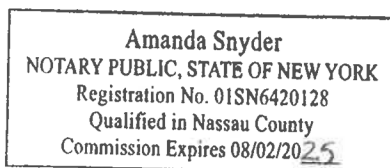
COUNTY OF NASSAU)

PATRICIA L. BOLAND, of lawful age, being sworn upon her oath says that she is an attorney for Defendants herein, that she has prepared and read the foregoing Verified Petition for Removal, and the matters and things contained therein are true as she verily believes.


PATRICIA L. BOLAND

Subscribed and sworn to before me
this 18th day of April 2024


NOTARY PUBLIC



CERTIFICATE OF SERVICE

The undersigned, an attorney duly admitted to practice before this Court, hereby certifies that a copy of the forgoing Notice of Removal, Verified Petition for Removal and Exhibits was electronically filed with the Court. A copy was also served via email and UPS overnight delivery on April 18, 2024 upon the following:

Megan Sarah Goddard, Esq.
Goddard Law PLLC
39 Broadway Suite 1540,
New York, NY 10006
Tel.: 646-504-8363
E-mail: Megan@Goddardlawnyc.com


PATRICIA L. BOLAND

DATED: April 18, 2024



NYSCEF Confirmation Notice

New York County Supreme Court



The NYSCEF website has received an electronic filing on 04/18/2024 12:23 PM. Please keep this notice as a confirmation of this filing.

161863/2023

Kimi Kang v. Local 28 of The Sheet Metal Workers' International Association et al

Assigned Judge: None Recorded

Documents Received on 04/18/2024 12:23 PM

Doc #	Document Type
10	NOTICE OF REMOVAL / REMAND (PRE RJ)
11	EXHIBIT(S) A

Filing User

Patricia Lynne Boland | plb@cohmlaw.com
100 Crossways Park Drive West Suite 200, Woodbury, NY 11797

E-mail Service Notifications

An email regarding this filing has been sent to the following on 04/18/2024 12:23 PM:

PATRICIA L. BOLAND - plb@cohmlaw.com

CLELA A. ERRINGTON - clela@goddardlawnyc.com

MEGAN S. GODDARD - Megan@Goddardlawnyc.com

Hon. Milton A. Tingling, New York County Clerk and Clerk of the Supreme Court

Phone: 646-386-5956 Website: http://www.nycourts.gov/courts/1jd/suptctmanh/county_clerk_operations.shtml

NYSCEF Resource Center, nyscef@nycourts.gov

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: www.nycourts.gov/efile